

UNITED STATES DISTRICT COURT

DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

UNITED STATES OF AMERICA

SEP 03 2009

V.

CRIMINAL COMPLAINT

Stephan Harris, Clerk
Cheyenne

JOSEPH PATRICK KORTZ

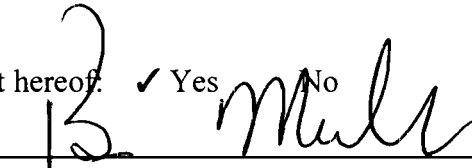
CASE NUMBER: 09-mj-160-D

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 2, 2009, in the District of Wyoming, defendant **JOSEPH PATRICK KORTZ**, did knowingly steal and take from an authorized depository for mail matter, packages containing Netflix DVDs,

in violation of 18 U.S.C. § 1708. I further state that I am a United States Postal Inspector and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No



Signature of Complainant
Brian Mullervy

Sworn to before me and subscribed in my presence,

September 3, 2009

at

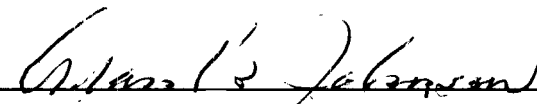
Cheyenne, WY

Date

City and State

Alan B. Johnson
United States District Court Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

Affidavit of USPI Brian Mullervy

1. I, Brian Mullervy, Affiant herein, am a United States Postal Inspector and have been so employed for the past 20 years. I am currently assigned to investigate crimes committed against the United States, within the State and District of Wyoming. Pursuant to this responsibility, I am aware of the circumstances set forth below.

2. On September 2, 2009, at approximately 2:40 PM, Ms. Lisa Detamore who resides on West Leisher Road, Cheyenne, Wyoming was at her home when her doorbell rang. Ms. Detamore opened her front door and observed a young male; wearing a brown shirt and blue jeans walking across the street and approach her neighbor's, the Jackson's, front door located on West Leisher Road. Ms. Detamore watched the individual ring the Jackson's door bell and close their mailbox which was open. The individual then opened the screen door and knocked on the front door. Ms. Detamore then saw the individual open the Jackson's mailbox and steal a red package which she believed to be a Netflix DVD mailing and he walked away with the package.

3. The individual began walking away from the front door and proceeded West on West Leisher Road. Ms. Detamore called Cheyenne Police and advised them of the theft and gave a description of the individual. Ms. Detamore contacted her neighbor Marvin Jackson at his residence, and alerted him that his mail was stolen.

4. Cheyenne Wyoming Police Officers Devall, Whittet and Long arrived on the scene and contacted an individual at the corner West Leisher Road and Aimes Road. The individual was running and wearing a brown shirt and blue jeans. The individual was identified as Joseph Patrick Kortz. Kortz advised police that he was in the area selling magazine subscriptions. He denied stealing any mail from any mailboxes in the area. Police

asked him why he was running from the area. Mr. Kortz said he was running because he had to meet his ride and if he was late they would leave the area without him.

5. While the police were talking to Kortz, Ms. Detamore walked by the area on her way to Goins elementary school to pick up her children. She advised police that Kortz is the same individual who she observed stealing mail from Marvin Jackson's mailbox.

6. The officers located two Netflix DVD's which were located on top of a vehicle in the same proximity of Mr. Kortz at the corner of West Leisher Road and Aimes Road. The officers also located the two associated mailing envelopes for the DVD's in a trash can located in front of a residence on West Leisher Road. The envelopes were addressed to Laverne Jackson, West Leisher Road, Cheyenne Wyoming 82007-2235. Marvin Jackson advised Cheyenne Police that Laverne is his wife and they ordered the DVD's through Netflix; and gave no one authorization to have in their possession the mailings containing the DVD's.

PENALTY SUMMARY

DATE: September 3, 2009

DEFENDANT NAME: JOSEPH PATRICK KORTZ

VICTIM: Yes

OFFENSE AND PENALTIES:

OFFENSE: 18 U.S.C. § 1708
(Theft of Stolen Mail)

PENALTIES: 0-5 YEARS IMPRISONMENT
\$250,000 FINE
3 YEARS SUPERVISED RELEASE
\$100 SPECIAL ASSESSMENT

TOTALS: 0-5 YEARS IMPRISONMENT
\$250,000 FINE
3 YEARS SUPERVISED RELEASE
\$100 SPECIAL ASSESSMENT

AGENT: Brian Mullervy/USPS **AUSA:** L. Robert Murray

ESTIMATED TIME OF TRIAL: **INTERPRETER NEEDED:**

☒ five days or less
☐ over five days
☐ other

☐ Yes
☒ No

THE GOVERNMENT:

☒ will
☐ will not

☐ The court should not grant bond
because the defendant is not bondable
because there are detainers from other
jurisdictions

**SEEK DETENTION IN THIS
CASE.**